



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,605	08/09/2007	David William Leeming	347576	1535

7590
Security Officer
P O Box 77301
Atlanta, GA 30357

EXAMINER

ABDOSHI, SAMIR

ART UNIT	PAPER NUMBER
----------	--------------

3641

MAIL DATE	DELIVERY MODE
-----------	---------------

03/10/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,605	Applicant(s) LEEMING, DAVID WILLIAM	
	Examiner SAMIR ABDOSH	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-35 and 37 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a second non-final rejection on the merits, made in response to an after-final amendment filed February 10th, 2010. Prosecution is reopened and claims 30-37 remain pending.

Claim Objections

1. Claim 30 is objected to because of the following informalities: the term "*the nose cone*" lacks proper antecedent basis, and should be revised as *--a nose cone--*. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 30, 31, 33, 35, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Beach (US 2009/0266226).

As per claims 30, 31, 33, 35 and 37, Beach teaches a method for protecting an object against a rocket propelled grenade, comprising:

providing a net formed from interconnecting net strands defining a net mesh (an exemplary net is shown as element **2** and **1206**) configured such that the rocket propelled grenade will be disabled by strangulation of a nose cone when the nose cone

Art Unit: 3641

enters one of the sections of the net mesh (paragraph 13 explains that the net is capable of defusing an RPG by “collapsing the ogive of an incoming RPG to disable the fusing mechanism”, and in this case ‘collapsing the ogive’ is considered to meet the *strangulation* step of the claim); and

dispose the net between the object and the rocket propelled grenade (see Figure 1a for illustration diagramming a net disposed between an RPG and a vehicle).

Furthermore, since Beach teaches that the protective net is capable of neutralizing an RPG via “strangulation”, that would require that the mesh portions of the net be small enough to encapsulate the ogive of the RPG.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach (US 2009/0266226).

As per claim 32 and 34, Beach teaches the disposing of a net for neutralizing an RPG, such that the net is spaced a distance from the protected object, but fails to specifically teach that the net is disposed at least 500mm from the (protected) object.

The Examiner believes that such a distance would have been within the realm of obviousness to an artisan of ordinary skill in the art at the time in which the invention was made. Although, Beach fails to teach this particularly specific limitation, the

Art Unit: 3641

Applicant's specification appears to generally assert the 500mm distance (the language used is *"since the textile armour is intended to be deployed at a distance in the region of 500mm..."* on page 2 of the specification). It would appear that the Applicant's selection of 500mm as a distance is arbitrary, as it only distances the net far enough from an object so that a possible detonation will be slightly diffused, which is an inherent characteristic of any strangulation net distanced away from a protected object. In order for the range limitation to be considered as a patentable feature, the Applicant must establish the criticality of such.

Allowable Subject Matter

6. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to teach or suggest a net for neutralizing RPG's via strangulation where the circumference of each net mesh section is no more than two-thirds of the maximum circumference of the RPG.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMIR ABDOSH whose telephone number is (571) 270-5799. The examiner can normally be reached on Monday through Friday 8:30 am to 5:30 pm.

Art Unit: 3641

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (571) 272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SIA/

/Troy Chambers/
Primary Examiner, Art Unit 3641